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Before the
Federal Communications Commission
Washington, DC 20554

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APR 24 2001

Deployment of Wireline Services Offering)
Advanced Telecommunications Capability)
Implementation of the Local Competition)
Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 98-147

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 96-98

**REPLY COMMENTS OF
THE PROMOTING ACTIVE COMPETITION
EVERYWHERE COALITION**

The Promoting Active Competition Everywhere ("PACE") Coalition, by its counsel, hereby submits these reply comments in support of the Competitive Telecommunications Association ("CompTel") Petition for Reconsideration and Clarification ("Petition") in the above-captioned proceedings.

I. INTRODUCTION AND SUMMARY

The PACE Coalition is comprised of independent carriers working together to ensure that the local entry strategy known as the unbundled network element platform ("UNE-P") is offered ubiquitously on nondiscriminatory terms and at cost-based prices. Members of the Coalition include a variety of innovative competitors, including Access Integrated Networks, American Lightwave Communications, Birch Telecom, InfoHighway Communications, IDS Telecom, Inc., ITC^DeltaCom, Lightyear Communications, nii inc., Sage Telecom, TalkAmerica.com, and Z-Tel Communications.

Members of the Coalition have invested nearly \$2 billion developing a diverse base of communications facilities (including local switches, where appropriate), operational infrastructure, and innovative software to compete in the local telecommunications market. The

common thread among these companies, however, is their use of the unbundled network element platform (“UNE-P”) to establish the broad market footprint required by their business strategies, and to offer conventional voice services to customers not yet positioned to require higher speed digital (i.e., DS1) connections. The Coalition views UNE-P as a critical entry vehicle precisely because it fosters innovation and broad entry, creating the foundation needed to support additional investment and the deployment of new technologies.

In these reply comments, the Coalition expresses its emphatic support for Commission grant of the CompTel Petition.

II. THE COMMISSION SHOULD GRANT THE COMPTTEL PETITION IN ITS ENTIRETY

It its Petition, CompTel seeks Commission clarification on three items of the *Line Sharing Reconsideration Order*.¹ First, CompTel requests that the Commission clarify and confirm that the “low frequency” portion of the local loop satisfies the Commission’s definition of a subloop UNE. Second, CompTel states that the Commission should clarify that competitive local exchange carriers (“CLECs”) using a UNE loop (“UNE-L”) entry strategy as well as CLECs using a UNE-P entry strategy may engage in line splitting arrangements with competitive DSL providers. Third, CompTel seeks clarification by the Commission that once an ILEC qualifies a loop for DSL service – provided by either the ILEC or a CLEC – the ILEC may not assess an additional qualification charge on carriers that subsequently wish to provide service over the previously-qualified loop.

¹ *Deployment of Wireline Services Offering Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, FCC 01-26 (rel. Jan. 19, 2001) (“*Line Sharing Reconsideration Order*”).

The PACE Coalition supports the view of Sprint and others noting that CompTel's requests for clarification are without question well within the ambit of existing Commission rules.² Indeed, the impetus of CompTel's Petition was concern that "the ILECs, as they have done repeatedly in the past, will misconstrue the Commission's decision in ways that undermine competitive local entry."³ Sprint echoed this view, noting "the tendency of some RBOCs to seize upon any conceivable ambiguity in the Commission's orders and rules to obstruct local competition."⁴ Because of the propensity of the RBOCs to take any position likely to delay or deny implementation efforts, competitors have no choice but to seek clarification of specific operational aspects of the Commission's orders and rules.

In their comments, the RBOCs demonstrate the necessity of CompTel's approach. Among other things, the RBOCs allege that the Commission cannot clarify that the lower frequencies of an unbundled loop qualify as a sub-loop UNE,⁵ even though the lower frequencies of the loop constitute a "portion" of an unbundled loop that is "technically feasible" to access. BellSouth asserts that the "line splitting contemplated in the *Line Splitting Order* is applicable ... [only] to a ... UNE-P arrangement,"⁶ even though the Commission referenced UNE-P in an illustrative manner, not in a comprehensive manner, in that order. Finally, BellSouth goes so far as to state expressly that it has the right to collect a limitless number of "loop qualification" charges from CLECs in cases where BellSouth already has qualified the loop and incurs no

² See, e.g., Sprint, 2.

³ CompTel Petition, 3.

⁴ *Id.*

⁵ BellSouth, 5-6; SBC, 6; and Verizon, 4.

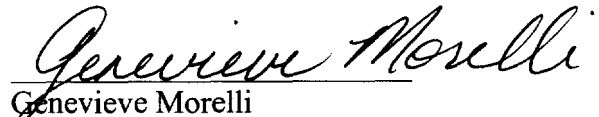
⁶ BellSouth, 8.

additional cost in providing loop qualification information to competitors.⁷ These RBOC positions are, to say the least, extreme and demonstrate the need for and appropriateness of the CompTel Petition. The Commission should act immediately to grant the CompTel Petition to limit the ability of the BOCs to convert extreme policy into operational nightmares.

III. CONCLUSION

The Commission should grant CompTel's Petition consistent with the discussion presented herein.

Respectfully submitted,



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April 23, 2001

⁷ BellSouth, 11.

CERTIFICATE OF SERVICE

I, Charles M. Hines III, hereby certify that a true and correct copy of the foregoing **“Reply Comments of the Promoting Active Competition Everywhere Coalition; CC Docket Nos. 98-147 & 96-98”** was delivered this 23rd day of April, 2001 to the individuals on the following list:

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A handwritten signature in black ink, appearing to read "Charles M. Hines III", written over a horizontal line.

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